

and thus teaches against the present invention by teaching that a combination of sucralose and protein hydrolysates do not provide protection against bad taste **and that protein hydrolysates are not to be used in conjunction with sucralose as they will not prevent the bad taste of the protein hydrolysate.** One skilled in the art would not combine Daravingas et al. with another patent due to this teaching against the use of protein hydrolysates with sucralose due to bad flavors.

Cherukuri et al. specifically exclude mention of either amino acids or protein hydrolysates, thus, with Daravingas et al. teaching that sucralose may be used to sweeten yogurt but that sucralose has no effect on the bad flavor of the protein hydrolysate, Daravingas et al strengthens Applicant's contention that Cherukuri et al. intentionally omitted the amino acids and protein hydrolysates because they did not believe that sucralose would have an effect on the bad taste of the amino acids and protein hydrolysates. There is no suggestion in either of these patents that one skilled in the art would attempt a combination of the two patents, and in fact would one skilled in the art would specifically not try the present invention based on these two patents as both teach away from Applicant's invention.

Applicant has amended the claims to more clearly point out the relative quantities of sucralose needed for overcoming the bad taste of the amino acids and protein hydrolysates.

## CONCLUSION

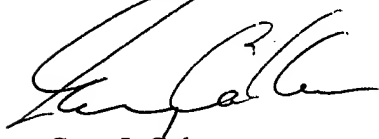
For all the reasons given above, Applicant respectfully submits that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore they submit that this application is now in full condition for allowance, which action Applicants respectfully solicit.

## Conditional Request for Constructive Assistance

Applicants have amended the specification and claims of this application so that they are proper, definite and define novel compositions and methods which are unobvious. If, for any reason this application is not believed to be full condition for allowance, applicants respectfully request the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. §

2173.02 and § 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings

Respectfully,



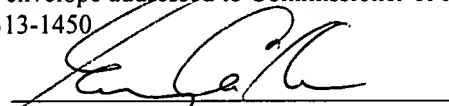
Gary J. Calton

Applicant Pro Se

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Pursuant to 37 C.F.R. §1.8, I hereby certify that I have a reasonable basis to expect that this correspondence will be deposited with the United States Postal Service on or before the dated indicated, as Express Mail EO 936 924 280 US in an envelope addressed to Commissioner of Patents and Trademarks, P.O. Box 1450 Alexandria, VA 22313-1450

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